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 May 11, 2015 meeting. Mr. Thibodeau 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 June 8, 2015, Dwayne Brown (Slate Architecture) and Steve Swift (Dickey’s BBQ Pit) appeared before the Board. Mr. Feuerbach stated that he would be recusing himself from this case.

Mr. Ryan recalled that the Board suggested that the applicant speak with the manufacturer of the proposed equipment to see if more information could be obtained.

Mr. Brown submitted information from the manufacturer (Exhibit 3). He stated that, after some investigation, it was determined that the exhaust could not be vented straight up from the restaurant, through the Gordman’s space, to the roof. The submitted information included pictures of where the proposed ductwork would need to go and explained why it could not be vented vertically. Mr. Swift detailed how the oven works and stated that a 4” flue would be installed underneath the hood to exhaust gases. Mr. Brown added that if the waiver were granted, Morrissey Engineering had agreed in writing that they would redesign the hoods, exhaust fans, and the ductwork for proper operation of the combined ductwork.

Tom Phipps, Chief Mechanical Engineer, stated that since a gas stove was being used the applicant must comply with the National Fuel Gas Code. In addition, the device and the hood would need to be interlocked. The applicant stated that clean-outs will be located at every turn and one at every 20’. In addition, the applicant agreed that the discharge from the roof would be located a minimum of 10’ off of the horizontal plane of the structure. Access would also be provided to the roof for maintenance and repair.

After some discussion, it was clarified that the device could not be considered to be a solid fuel appliance.

Mr. Thibodeau moved to APPROVE the installation of a single exhaust fan and ductwork system to serve both kitchen hoods provided that the system is installed according to the requirements for a fuel-fired appliance and that the associated systems are designed accordingly. The smoker must be interlocked with the hood so that it cannot operate if the hood is not on. 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 June 8, 2015, Matt Herzog and Michael Fleming (Sodexho/Creighton University) appeared before the Board. Mr. Feuerbach stated that he would be recusing himself from this case.

Mr. Ryan recalled that the Board suggested that the applicant present to the City additional information about the proposed equipment. Mr. Herzog stated that the manufacturer provided information about the product which was then shared with Tom Phipps, Chief Mechanical Inspector – City of Omaha. He explained that the unit has a downdraft hood that is used mainly to collect odors. The induction burner does not get hot enough to reach a flashpoint. In addition, if another type of pan was used on the equipment, the manufacturer’s warranty would be voided.

Mr. Phipps stated that he looked up some information (Exhibit #3) on the appliance and noticed that it is basically made up of two parts: the filtration system and the cooktop. He stated that, based on the location of the opening for the air filter system, the appliance would blow hot air onto students or the cook, causing a potential safety hazard. It was later determined that the equipment vents from the bottom. Mr. Thibodeau stated that if the equipment was installed per the manufacturer’s instructions, the installation should be deemed as safe.

Mr. Thibodeau moved to APPROVE the installation of the equipment without a hood as long as it is installed according to the manufacturer's written instructions. Mr. Ramm 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 June 8, 2015, Bill West (Quality Living, Inc.) and Cindy Tooker (Architect - Leo A. Daly) appeared before the Board.

Mr. West stated that the building where the stove is located will house individuals that come from out of town to visit friends/family members who are in rehab. He did not anticipate that the stove would be used much since all of the meals for visitors are provided on campus to be eaten with their family member. Ms. Tooker stated that the stove would give visitors the opportunity to do some light cooking on-site if they chose. In response to Mr. Thibodeau, Mr. West stated that visiting family could potentially purchase food and have access to the stove whenever they wanted during their visit. Ms. Tooker stated that the stove would not be located on-campus but would be across the street.

Greg Hauptman, Plans Examiner – City of Omaha, stated that the requested waiver was different from those that have been granted in the past since the building consists of R1 and R2 occupancies. The past cases were typically approved for schools that were using the stoves for educational purposes or in therapy/rehab situations where persons were being trained so that they can move into their own homes. In this case, the kitchen would be fully operational and available to anyone with access to the building, around the clock, with little to no supervision. For those reasons, Permits & Inspections did not support the request.

In response to Mr. Feuerbach, Mr. West stated that there would not be staff that is assigned to the building 100% of the time.

Ms. Tooker stated that she was under the impression that a Type II hood would be allowed in this situation. She indicated that there were emails exchanged with Tom Phipps, Chief Mechanical Inspector – City of Omaha, regarding the request. Ms. Tooker asked for more time to research her emails and possibly meet with Mr. Phipps. Ms. Kiel suggested that the applicant consider installing a convection oven that would not require a hood. Mr. West was in agreement with a layover which would allow some time to speak with the applicant.

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

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

MOTION CARRIED: 7-0
At the Building Board of Review meeting held on June 8, 2015, Brian Napp (KVI Associates), Kurt Dohn (ASD Stan How Architects), and Frank Kulig (KVI Associates) appeared before the Board. Mr. Feuerbach stated that he would be recusing himself from this case.

Mr. Dohn discussed the proposed plan for the office building where the applicant planned to relocate. There are currently 6 employees that would use the 6 proposed offices. There will be a conference room with seating for 12 people. Approximately 90% of the doors and walls are existing and will remain. The interior walls are not rated. The applicant was requesting the waiver to eliminate the requirement to have the main corridor that runs through the middle of the space rated. He added that there are currently 2 exits out of the space.

Greg Hauptman, Plans Examiner – City of Omaha, believed that in the past, the Board has directed the applicant to rate any storage, file rooms, or any other area that would pose a hazard to the tenant space and grant the waiver on the corridor. He added that if the waiver was not granted then the section of the code pertaining to corridor continuity would apply.

In response to Mr. Thibodeau, Mr. Hauptman stated that there is a file area and a work room that could possibly be rated. Ms. Kiel was in agreement with that recommendation. There was some discussion about the location of the exits and the applicant’s options. Mr. Hauptman noted that if the applicant did not want to take the walls to structure, there was the option of installing a 1-hour rated ceiling.

Ms. Kiel moved to APPROVE subject to the work room and file area being 1-hour rated, including doors and walls up to structure, in lieu of rating the hallway corridor. The applicant also has the option of installing a 1-hour UL rated ceiling in lieu of bringing the walls to structure. Mr. Naccarato 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 June 8, 2015, Roger Slosson and Walt Peffer (PJ Morgan Company) appeared before the Board. Cheryl Kiel stated that she would be recusing herself from this case.

Mr. Slosson explained that the first request was to waive the requirement of Section 704.8 to allow the existing historic window openings on the north façade of the building to remain. The north wall of the building is located on the property line; the property to the north is zoned RR (Railroad). The property is listed on the National Register of Historic Places and the historic guidelines state that the windows are a character-defining element of the building. The windows must remain in order for the building to remain on the register. The railroad right-of-way to the north provides the 20’ of required open space. The previous property owner applied for a similar request in 2007 which was granted. Since the applicant is the new owner, it was suggested they appear before the Board for a waiver.

Greg Hauptman, Plans Examiner – Permits & Inspections, mentioned that the previous use of the building was residential; its proposed use would be commercial.

Mr. Feuerbach moved to APPROVE the waiver for the windows as submitted. Mr. Thibodeau seconded the motion.

AYES: Feuerbach, Naccarato, Standerford, Thibodeau, Ryan

ABSTAIN: Kiel

MOTION CARRIED: 5-0-1

Mr. Slosson explained that the second waiver would allow the applicant to reuse the existing original, historic stairway. The tread depth and riser height requirements of Section 1009.3, the handrail height requirements of Section 1012, and the guardrail height requirements of Section 1013 would need to be waived. The stair would be used as a second means of egress. The applicant proposed adding code-compliant handrails along the wall side of the stairs. He added that the tread depth and riser heights are just short of what the code requires. Mr. Ryan noted that Permits and Inspections did not object to the request. In response to Mr. Feuerbach, Mr. Slosson stated that, similar to the windows, the stair is considered to be a character-defining element of the building.

Mr. Thibodeau moved to ALLOW the existing tread depths, riser heights, handrail heights, and guardrail heights to remain, subject to the addition of code-compliant handrails. Mr. Standerford seconded the motion.

AYES: Feuerbach, Naccarato, Standerford, Thibodeau, Ryan

ABSTAIN: Kiel

MOTION CARRIED: 5-0-1
At the Building Board of Review meeting held on June 8, 2015, Eric Westman, Heather Kirk (Santa Monica, Inc.), and Chris Flott (Santa Monica, Inc.) appeared before the Board.

Mr. Westman explained that the existing building was originally built as a large home. Santa Monica has purchased the home with the intent to provide an alcohol rehabilitation center for approximately 20 women. The first waiver would allow the winding stair to remain in place and would waive the tread, landing, and handrail dimensions so that the stair could be used as a means of egress. A secondary means of egress, in the form of an exterior stair, would be added that would meet the code. In addition, handrails would be added whenever possible.

There was some discussion about the dimensions of the stair and the people who would be residing in the home.

Mr. Feuerbach moved to APPROVE the waiver to allow the existing winding stair to remain in place with the current tread, landing, and handrail dimensions. Ms. Kiel seconded the motion.

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

MOTION CARRIED: 6-0

The applicant was also seeking a waiver of the requirement for the 2-hour portion of the stair due to the historic nature of the home. The waiver would allow as much of the historic trim and existing features to remain as intact as possible. A room would be added on the first level that would allow occupants to egress to the outside. It was noted that sprinklers would be added. Greg Hauptman, Plans Examiner – Permits & Inspections, suggested that sprinklers be installed at every landing.

Mr. Feuerbach moved to APPROVE the waiver to allow the stair rating to remain as-is provided that additional sprinklers to be installed at every landing. Ms. Kiel seconded the motion.

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

MOTION CARRIED: 6-0

The last waiver requested would allow a Denlar hood instead of a Type I hood as required. The owner is proposing to relocate the existing stove from the garden level to the first floor. Ms. Kirk explained that the kitchen facilities would be used by their clients during scheduled times only. Use of the stove is limited to dinner time only. Meal preparation is part of the life skills treatment portion of the program. The only other time the stove would be used is when a class was being taught on nutrition. The facility is staffed 24 hours/day, 7 days/week and the clients are always supervised while cooking.
Greg Hauptman, Plans Examiner – Permits & Inspections, noted that in this particular case, staff would be on hand around the clock. Tom Phipps, Chief Mechanical Inspector – City of Omaha, discussed how the stove would be vented and how the unit would be serviced and repaired. In response to Mr. Standerford, Mr. Westman stated that the owner would be willing to work with Permits & Inspections on the acceptable installation of the hood. Mr. Hauptman suggested that a waiver could be granted with the condition that the installation and venting of the hood be approved by the mechanical division of Permits & Inspections.

Mr. Feuerbach moved to APPROVE the waiver for the range hood system subject to the applicant submitting sealed drawings to Permits & Inspections for review and approval prior to installation of the range hood system. Mr. Thibodeau seconded the motion.

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

MOTION CARRIED: 6-0
At the Building Board of Review meeting held on June 8, 2015, Kevin Denker, Chief Housing Inspector – City of Omaha, appeared before the Board.

He stated that Todd Shearer, Housing Inspector – City of Omaha, met with the property owner and noted that a significant amount of progress had been made. The attorney for the property owner had indicated that if another 60 days were granted, all repairs would be completed. Mr. Denker was in agreement with granting the applicant 60 days to complete repairs.

Mr. Thibodeau moved to GRANT a 60-day LAYOVER to give the property owner the opportunity to complete repairs. Ms. Kiel seconded the motion.

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

MOTION CARRIED: 6-0

ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at 3:00 p.m.