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. Feuerbach to APPROVE the minutes for the July 13, 2015 meeting as submitted. Mr. Thibodeau seconded the motion.

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

MOTION CARRIED: 6-0
At the Building Board of Review meeting held on September 14, 2015, Martin Patzner (Lund Company) appeared before the Board.

Mr. Patzner handed out plans to the Board (Exhibit 2). He explained that an existing tenant wanted to expand into an adjacent suite. Several years ago both suites were one space. Recombining the two spaces would cause a dead-end corridor issue. He explained that the diagonal distance in the new space would be 121'5". The rear door would not equal half of that distance. He stated that in order to meet the code requirements the corridor would need to be almost 8’ from the perimeter of the building. This would require that a corridor be put in the middle of an existing tenant's space which was not possible at the time. That tenant’s lease would not end for another 2½ years.

Greg Hauptman, Plans Examiner – Permits & Inspections, and Captain Steve Thornburg both stated that the main concern was with the Life Safety Code which has strict separation requirements. Mr. Thibodeau mentioned that the Board could not waive any requirements of the Life Safety Code. Mr. Hauptman explained that the applicant would need a waiver from the State.

Mr. Thibodeau moved to DENY. Mr. Ramm seconded the motion.

AYES: Naccarato, Ramm, Thibodeau, Ryan

NAYES: Standerford

ABSTAIN: Feuerbach

MOTION CARRIED: 4-1-1
At the Building Board of Review meeting held on September 14, 2015, Paul McDaniel appeared before the Board.

Mr. McDaniel stated that the request was based on the use of the 2014 NFPA96 code instead of the 2004 edition of the code that was presently being used by City officials. The applicant proposed replacing existing gas broilers that are under an exhaust hoods and that have automatic suppression systems with new, high-efficiency gas broilers that have small smoke boxes underneath where wood would smolder.

Michel Mason, Plans Examiner – Permits & Inspections, explained that the 2001 NFPA96 and 2006 International Mechanical Codes require separate hoods for any type of solid fuel burning appliance. He added that the 2014 NFPA 96 does allow the request with specific conditions. He stated that the City’s position was neutral, but that the practice would be accepted when the 2012 IMC was adopted.

Mr. McDaniel stated that the applicant believed that they had met all 11 conditions listed in the 2014 NFPA. He stated that the gas broilers would use about 10 logs per day with an average log weighing about 4.5 pounds.

In response to Mr. Ramm, Mr. Mason agreed that the proposed equipment would comply with the 2014 NFPA96.

Mr. Feuerbach moved to APPROVE the waiver for all five locations subject to the applicant meeting all requirements of the 2014 edition of the NFPA96 code. Mr. Standerford seconded the motion.

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

MOTION CARRIED: 6-0
At the Building Board of Review meeting held on September 14, 2015, Todd Heistand and Martin Kluck (Alley Poyner Macchietto Architecture) appeared before the Board.

Mr. Feuerbach stated that he would be abstaining from the case.

Mr. Heistand stated that it was his belief that the proposed plan met federal ADA requirements by having the first floor level of the parking garage correlate with the lobby level of the apartment building. He added that a convenience stair would be added from the third floor of the parking garage where there is upper deck parking.

In response to Mr. Thibodeau, Mr. Heistand explained that there would be a walkway on grade level going into the existing garage. He added that the top of the garage would connect to the second floor of the 4-story apartment building.

Greg Hauptman, Plans Examiner – Permits & Inspections, stated that the International Building Code specifically states that any entrance to a building via an elevated walkway must be accessible.

Mr. Thibodeau noted that the walkways were not considered to be public entrances, but would be key-carded, locked entrances. He added that if the entrance was restricted then Section 1105.1.2 of the International Building Code would not apply. Mr. Hauptman responded that Federal ADA requirements do not specify between public or private entrances, it just states that they must be accessible.

The applicant mentioned the hardship of building a ramp between the two structures. There was also some discussion about the addition of a stairway. It was determined that the entrance to the main level would be restricted and that no accessibility was required. Mr. Thibodeau concluded that Section 1105.1.2 applies only to public entrances and both entrances, which include the stair and the grade level, would be restricted entrances. He added that only one is required to be accessible and that that requirement would be met by the first floor entrance, therefore, a waiver is not needed.

Mr. Thibodeau moved to DENY. Mr. Naccarato seconded the motion.

AYES: Naccarato, Standerford, Ramm, Thibodeau, Ryan

ABSTAIN: Feuerbach

MOTION CARRIED: 5-0-1
Case No. 14-21 (from 11/10/14 & 8/10/15)  LOCATION: 2410 South 217th Street – Pool House

Neeraj Agarwal  REQUEST: Appeal of Notice of Violation dated Entire Structure
105 North 31st Avenue – 2nd Floor  September 15, 2014
Omaha, NE 68131

At the Building Board of Review meeting held on September 14, 2015, Kevin Denker, Chief Housing Inspector – Permits & Inspections, and Yvonne Barna, Housing Inspector – Permits & Inspections, appeared before the Board.

Ms. Barna stated that the applicant was no longer representing the case and that she was not aware of who was at that time. She added that nothing has been done with the property.

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

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

MOTION CARRIED: 6-0
Case No. 15-14 (from 6/8/15 & 8/10/15) LOCATION: 4341 Polk Street – Dwelling Exterior
Christopher A. Pfanstiel
10404 Essex Court
Suite 100
Omaha, NE 68114


At the Building Board of Review meeting held on September 14, 2015, Kevin Denker, Chief Housing Inspector – Permits & Inspections and Todd Shearer, Housing Inspector – Permits & Inspections, appeared before the Board.

Mr. Shearer stated that all the work had been completed and that the property had been released.

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

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

MOTION CARRIED: 6-0
At the Building Board of Review meeting held on September 14, 2015, Kevin Denker, Chief Housing Inspector – Permits & Inspections and Todd Shearer, Housing Inspector – Permits & Inspections, appeared before the Board.

The Board Secretary stated that the applicant and Dave Thomas, Assistant Director (HCD) – Planning Department, requested a layover of this case. Mr. Shearer stated that he met with Mr. Thomas about the property and that he was attempting to provide funds for repairs to the home. He explained that the property was run as an illegal rooming house and that the owner had the house vacated of all of the roomers, with the exception of himself and his best friend. He stated that although there were egress and restroom facilities, the other systems in the home were not up to code. He noted that the owner had been working on some of the issues. He submitted pictures of the property dated September 14, 2015 (Exhibit 2). He also submitted a list of repairs that had been done as of August 10, 2015 (Exhibit 3). Mr. Denker did not object to a layover so that a plan could be put in place.

Mr. Thibodeau moved to LAYOVER until the October meeting. Mr. Feuerbach seconded the motion.

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

MOTION CARRIED: 6-0

ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at 2:07 p.m.