Mr. Ryan called the meeting to order at 1:00 p.m., introduced the board members and 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. Feuerbach to APPROVE the minutes for the November 14, 2016 meeting. Mr. VanMoorlegam seconded the motion.

AYES: Naccarato, Ramm, Van Moorleghem, Kiel, Feuerbach, Ryan

ABSTAIN: Thibodeau

MOTION CARRIED: 6-0-1
CASES:

Case No. 16-21  
John S. Rickert, AIA  
HDR Engineering  
8404 Indian Hills Drive  
Omaha, NE 68114  

LOCATION: ADDRESS: 5600 South 10th Street  
REQUEST: Waiver to allow open risers on a non-public set of stairs in a factory setting.

At the Building Board of Review meeting held on December 12, 2016, the applicant did not appear before the Board.

Mr. Naccarato moved to LAYOVER the case until the January 9, 2017 meeting to give the applicant the opportunity to appear. Mr. Ramm seconded the motion.

AYES: Naccarato, Ramm, Van Moorlegham, Kiel, Feuerbach, Thibodeau, Ryan

MOTION CARRIED: 7-0
Case No. 16-22  
LOCATION:  ADDRESS:  3802 & 3824 Leavenworth Street
Mike Eckmann  REQUEST:  Waiver to the definition of a basement in order to implement IBC section 509.2.
Holland Basham Architects
119 South 49th Avenue
Omaha, NE 68132

At the Building Board of Review meeting held on December 12, 2016, Mike Eckmann and Steve Kuzelka (Holland Basham Architects) appeared before the Board. Greg Hauptman, Plans Examiner, appeared on behalf of the City.

Mr. Ryan stated that neither Permits & Inspections nor the Omaha Fire Department objected to the request. Mr. Feuerbach stated that he would be abstaining from the discussion.

Mr. Eckmann stated that the request was for a 2-story garage with 2 stories of residential housing above it. The 2006 International Building Code allows only 1 story above grade plane. He added that the 2-story garage was essentially built into a hill due to grade changes along 38th Street. The applicant considered the first level of the garage as being below grade and the next level as the 1 story of the garage with the housing above that. He stated that there were issues with the lowest level meeting the 12’ floor to floor height because of clearance in the garage, which is 13’4’’.

Mr. Hauptman stated that the lowest level was approximately 90% below grade and that the only issue was that the lowest level was higher than 12’ from the finished grade to the floor above. He explained that the maximum height was exceeded in a small area near the entrance of the garage.

Mr. Thibodeau moved to GRANT the waiver as requested. Mr. Van Moorlegham seconded the motion.

AYES: Naccarato, Ramm, Van Moorlegham, Kiel, Thibodeau, Ryan

ABSTAIN: Feuerbach

MOTION CARRIED: 6-0-1
At the Building Board of Review meeting held on December 12, 2016, Eddy Santamaria and Scyrus Keys appeared before the Board.

Mr. Santamaria stated that his client, Mr. Keys, purchased the property to use as his residence and place of work. He explained that, as per the 2006 International Building Code, the building would be sprinklered. He further explained that the basement that was originally used as a garage, the main level was a small business and the upper level was two apartments. He stated that a 5’ easement was negotiated and recorded with the owner of the building to the north that would ensure that no building would occur on the 2nd floor.

To show that precedence for the request had already been set, Mr. Santamaria submitted a photo of an existing building, the Kimball lofts at 1501 Jones Street (Exhibit 2), that had non-rated windows on the property line. That project had been completed in 2009. The applicant also submitted concepts of the proposed windows (Exhibit 3 & 4).

Mr. Ryan mentioned that neither the Omaha Fire Department nor Permits & Inspections objected to the request as long as additional sprinkler heads were installed over the new window locations. There was some discussion about what type of sprinkler system would be installed.

Ms. Kiel moved to GRANT the waiver subject to deluge sprinkler heads being installed over the new window locations and that the windows on the upper level be a minimum of 30” above the adjacent roof plane if the owner decided to install them. Mr. Feuerbach seconded the motion.

AYES: Naccarato, Ramm, Van Moorlegham, Kiel, Feuerbach, Thibodeau, Ryan

MOTION CARRIED: 7-0

ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at 1:25 p.m.