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 six members were present.

Motion by Mr. Thibodeau to APPROVE the minutes for the December 12, 2016 meeting as AMENDED. Mr. Ramm seconded the motion.

AYES: Naccaroto, Ramm, Van Moorleghem, Kiel, Thibodeau, Ryan

MOTION CARRIED: 6-0
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, John Rickert appeared before the Board. Greg Hauptman, Plans Examiner, appeared on behalf of the City.

Mr. Rickert explained that when the 2012 International Building Code is adopted by the City of Omaha, the plant would be exempt from the requirement and would be allowed to have fully open risers, since it is an industrial facility. He further explained that fully or partially enclosed risers impeded housekeeping efforts by creating areas where processed solids and wash down water can accumulate.

Ms. Kiel moved to APPROVE as requested. Mr. Naccarato seconded the motion.

AYES: Naccaroto, Ramm, Van Moorleghem, Kiel, Thibodeau, Ryan

MOTION CARRIED: 6-0-1
At the Building Board of Review meeting held on December 12, 2016, Dan Dolezal appeared before the Board. Greg Hauptman, Plans Examiner, appeared on behalf of the City.

The request was for a 6-story, wood-framed building on the corner of 10th & Capitol. Table 601 in the 2006 International Building Code requires 1-hour, interior bearing walls for the type of building being proposed. Mr. Dolezal stated that those walls would be located within the residential units. The applicant’s interpretation of the code was that the interior bearing wall applied to the structural rating only and not necessarily to an area of separation. In that case, no opening protection would be required. Mr. Dolezal stated that the 2012 International Building Code, which the city will be adopting in the future, specifically states that structural walls do not require protected openings.

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

In response to Mr. Naccarato, Mr. Dolezal explained the steps that would be taken to protect the 1-hour structural rating, especially for the door jambs.

In response to Ms. Kiel, Mr. Hauptman clarified that the waiver would apply only to interior bearing walls that are within the dwelling units.

Ms. Kiel moved to APPROVE as requested. Mr. Van Moorleghem seconded the motion.

AYES: Naccaroto, Ramm, Van Moorleghem, Kiel, Thibodeau, Ryan

MOTION CARRIED: 6-0-1
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Case No. 17-02  
Shane Cherney, PE  
HDR  
8404 Indian Hills Drive  
Omaha, NE 68114

LOCATION:  
ADDRESS: 1917 South 67th Street

REQUEST:  
Waiver to allow non-rated openings and non-rated walls based on proximity to the property lines.

At the Building Board of Review meeting held on December 12, 2016, Shane Cherney, Zachary Gemar (Noddle Companies) and Jay Noddle (Noddle Companies) appeared before the Board. Greg Hauptman, Plans Examiner, and Jay Davis (Assistant Director – Permits & Inspections) appeared on behalf of the City.

Mr. Noddle explained that fire access and protection would be provided for this project through the process of recording no-build easements in out-lots, which he believed were equivalent to the Public Way. He stated that urban development projects like the one being proposed would require new ways for the lot line issues to be handled. He believed that the lot line concerns were in place to deal with mainly ownership/operation issues and not necessarily public health issues.

Mr. Noddle continued to explain that there would be multiple buildings with a variety of uses (office, retail, residential, entertainment and hospitality) that would all have different opening requirements. There would also be a lot of shared facilities on the site. He explained the layout of the site which utilized “dead space” to create an urban environment. The out-lots and public spaces would be used as public, no-build easements for Life Safety purposes. There were also plans to further expand the proposed garage which would relocate the 10’ easement.

Mr. Ryan noted that Permits & Inspections did not support the request; however, if the board were inclined to grant the waiver, there would be certain conditions that should be included.

Mr. Hauptman believed that the lot lines should be located where they would be code compliant and then the block could be controlled with the use of no-build easements.

Mr. Noddle explained that if the property was not allowed to be built as proposed, then future owners would have trouble obtaining financing or title commitments. He explained that the use, scale and placement of buildings was planned first, followed by the placement of the lot lines.

There was some discussion about the applicant’s decision to reposition the easement after the proposed garage was expanded. Mr. Davis stated that he did not necessarily feel that a precedent would be set in this case but that this was more of a “one-time only” situation. Ms. Kiel agreed that perhaps the waiver should be allowed in this particular instance; however, she felt that perhaps building “up” instead of “out” would be a better solution. Mr. Noddle responded that his team would continue to improve on the designs of future projects so that the situation would not occur again.

Ms. Kiel stressed that the proposed size and shape of a building, along with current city codes, should be taken into consideration when a building is being designed from scratch. Mr. Hauptman strongly suggested that, in the future, the applicant meet with the building department before moving forward with a replat so that it could be determined where proposed buildings will be situated in relation to the property lines.

Mr. Ryan inquired about the applicant’s willingness to accept Permits & Inspections stipulation that all fire resistant rating requirements from Table 601 based on construction type, including
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any opening protection associated with Table 601 and the construction type of the building, be strictly adhered to if the waiver request was granted. The applicant was in agreement with that recommendation.

Ms. Kiel moved to APPROVE in accordance with the plans submitted subject to compliance with Table 601 of the 2006 and 2012 International Building Code. Mr. Naccarato seconded the motion.

AYES: Naccaroto, Ramm, Van Moorleghem, Kiel, Thibodeau, Ryan

MOTION CARRIED: 6-0-1

ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at 1:50 p.m.