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 five members were present.

Motion by Mr. Thibodeau to APPROVE the minutes for the February 13, 2017 meeting. Mr. Feuerbach seconded the motion.

AYES: Naccarato, Ramm, Feuerbach, Thibodeau, Ryan

MOTION CARRIED: 5-0
At the Building Board of Review meeting held on March 13, 2017, Scott Byrd appeared before the Board. Greg Hauptman, Plans Examiner, appeared on behalf of the City.

Mr. Byrd stated that when he built his home he mistakenly confused the requirements for guard rails and hand rails. He explained that a hand rail would allow him to have a variance between 34” and 38” in height, whereas a guard rail must be 36” minimum in height. The applicant stated that he lowered the granite cap on top of the guard rail to 35”. When the inspector visited the home for the final inspection, the guard rail was red-tagged. He was subsequently advised by Permits and Inspections that he was looking at the wrong information. Mr. Byrd requested permission to leave the guard rail at 35”.

Mr. Hauptman stated that the guard rail requirements had been in place for at least 50 years. He believed that anyone in the residential business should know about the 36” guard rail requirement.

Mr. Byrd stated that he had discussed the issue with Jay Davis, Assistant Director – Permits & Inspections, and was told by Mr. Davis that he would support the applicant’s request.

Mr. Ramm asked if it would be feasible to raise the cap and put a piece of casing along the bottom. Mr. Byrd responded that it could be done; however, he felt that the granite would be destroyed.

Mr. Ryan stated that if the home was sold in the future, the next owners would be purchasing a home that was not completely up to code.

Mr. Hauptman stressed that the code is a minimum standard adding that he had not heard anything from Mr. Davis about his support of the request. Mr. Ryan noted that there was some correspondence in the file from Mr. Davis about the applicant’s request but it did not express support for the request.

Mr. Naccarato commented that he could not easily support the applicant going below the minimum standards for guard rails. He also felt that the guard rails could be adjusted to come into compliance with the code without destroying the existing granite.

Mr. Thibodeau was concerned about the precedent that would be set if the applicant was allowed to leave the guard rails below the minimum standard, especially for new construction.

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

AYES: Naccarato, Ramm, Feuerbach, Thibodeau

NAYES: Ryan

MOTION CARRIED: 4-1
ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at 1:27 p.m.