Board Members:

Jack Ryan – Chairman
Ron Feuerbach – Vice Chair
Cheryl Kiel
Michael Naccarato
Ted Ramm
Thomas Thibodeau
Dennis Van Moorleghem

A current copy of the Open Meeting Act is posted in a white binder on the north wall of the Jesse Lowe Conference Room. The secretary certifies publication in the Daily Record, the official newspaper of the City of Omaha, on June 5, 2017.

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

I. Roll Call

Members Present:
Jack Ryan – Chairman
Ron Feuerbach – Vice Chair
Cheryl Kiel
Michael Naccarato
Ted Ramm
Dennis Van Moorleghem

Members Absent:
Thomas Thibodeau

Others Present:
Jay Davis – Assistant Director Permit & Inspections
Captain Steve Thornburg – Omaha Fire Department
Tom Phipps – Chief Mechanical Inspector
Jennifer Taylor – City Law
Carrin Meadows – Board Secretary

II. Approval of Minutes from May 8, 2017

Motion by Mr. Ron Feuerbach to approve the minutes for the May 8, 2017 meeting. Mr. Michael Naccarato seconded the motion.

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

MOTION CARRIED: 6-0 APPROVED

III. Cases
Mr. Tanner Draemel appeared before the Board in May 2017 to request a waiver to eliminate the requirement for an elevator in a 3-story building at the Hupmobile Building located at 2523 Farnam Street. Mr. Draemel's case was laid over until today’s meeting with two tasks in which needed to be completed; provide documentation from the State Historic Society and separate the business entities of the main level of the building with the upper level of the building.

According to Mr. Draemel the Hupmobile Building now has two separate LLC entities; one of the upper level and the second LLC entity being the main level.

Mr. Draemel stated the correspondence from the State indicated that they were in favor of not adding an elevator to the building. Mr. Draemel stated the purpose of this is to preserve the separation of the showroom and the service area. The State wants to preserve the hoist way of the existing freight elevator and in order to do so and make the building life safety compliant the state wants an egress stair within the hoist way.

Mr. Jay Davis spoke on behalf of the City. Mr. Davis stated that he has spoken to the state on several occasions and he is not pleased with the stance of the state with the ADA compliance and stated he is going to Department of Justice in order to get a clearer answer. In this case based on the information that the City has now he is going to go forward with the waiver of Code 11.04.4 as it was requested of no elevator. Mr. Davis is not willing to continue to hold this project because of an interpretation in which he feels is incorrect and he will continue to get further confirmation.

Mr. Feuerbach questioned whether there would be an egress stair. Mr. Davis stated that yes there is an egress stair and that was part of the initial drawings. The conversation continued amongst the Board members and Mr. Davis about if there was a hoist way why there is not an elevator. Mr. Davis stated the egress stair is in the hoist way. Mr. Davis stated his argument with the state was why if there is a hoist way why there is not an elevator because historically there was an elevator, it was a lift. Mr. Davis stated he was told to refer to the design guidelines of the Historic Society.

Motion by Ms. Cheryl Kiel to approve the waiver of IBC Code 11.04.4. Mr. Naccarato second the motion.

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

MOTION CARRIED: 6-0 APPROVED

Mr. David Seip, architect with ASD Stanley J. How Architects appeared before the Board. Mr. Ryan stated that the City with certain stipulations does not oppose this waiver. Mr. Seip stated that he had spoken to Mr. Greg Hauptman with the City in regards to this project.

Mr. Seip stated this is an existing 220,000 square foot shopping center which is surrounded by a minimum 60 foot clearance around the building. This location once was KMART, will now be the location of four different tenants in which three of the tenants leases have been established; Burlington, TJ Max &
Home Goods and Sierra Trading Post. In order to sign the lease the owner had to build on an addition of 12,000 square feet.

According to Mr. Seip between the KMART store and the rest of the shopping center there is a 12 inch CMU wall which is partially grounded and basically qualifies as a 3 hour wall. Burlington is already built out and occupied. TJ Max and Sierra Trading Post are about a month away from being finished. There is an existing demising wall between TJ Max and Sierra Trading Post. Attachment 4 shows a 2 hour wall which will be built with a UL rating to it. Mr. Seip stated that they were not aware of the property line between KMART and the rest of the shopping center.

Mr. Jay Davis stated the City does not have an objection to building the 2 hour fire wall. Mr. Davis questioned if there were open bar joists on the roof. Mr. Seip replied yes. Mr. Davis stated that there would need to be 4 foot on each side with 1 hour ratings. Mr. Seip stated the TJ Max Home Goods is already done, but there are 2 hour fire walls in which does go up to noncombustible construction on the exterior wall and the roof. Mr. Davis questioned what was on the roof. Mr. Seip stated that the roof is metal joist.

Motion by Ms. Cheryl Kiel to approve the waiver. Mr. Ted Ramm seconded the motion.

AYES: Kiel, Naccarato, Ramm, Ryan, Van Moorleghem
ABSTAIN: Feuerbach
MOTION CARRIED: 5-0-1 APPROVED

Case No. 17-13
Martin Lane
Leo A Daly
8600 Indian Hills Dr
Omaha, NE 68114

LOCATION: 5120 Maple Street
REQUEST: Waiver to allow a domestic kitchen hood in an occupational therapy setting.

Mr. Martin Lane and Mr. Dan Dellovechio appeared before the Board to request a waiver to allow a domestic kitchen hood to be used in an occupational setting at Benson High school. Mr. Lane stated there is a small kitchenette at Benson High school in the special education department used for occupational therapy and teaches basic life skills to the students. Mr. Lane stated they are requesting this waiver because the big commercial hood is not something the students would use at their residences. This facility will be used for teaching with a max of about 15 students and it will always be supervised. These students will not be making and prepping a bunch of meals.

Mr. Lane stated the 2006 IMC Code edition’s Section 505 limits the use of domestic hoods to dwelling units only. The 2015 IMC Code removed that requirement and allows domestic hoods to be used with in a greater number of spaces. We have selected a domestic hood that has fire suppression capabilities. Mr. Lane discussed how the culinary classroom was also being renovated with in a different section of the school and reassured the Board that they are requesting this hood to be used in the Special Education Classroom only.

Mr. Dan Dellovechio stated the hood they are proposing, is to use with an electric range/oven combination, like a typical residence, but it meets all aspects of a commercial hood. Mr. Dan Dellovechio stated this hood meets all aspects of NFPA 101 features and is life safety compliant for the very sort of application that it will be utilized for.

Chief Mechanical Inspector Tom Phipps appeared on behalf of the City. Mr. Phipps stated the reason that he did not support the request is because the applicant eliminated section 505, 506 and 507 of the 2006 Mechanical Code in their request. Section 506 takes out the exhaust terminations requirements and where the exhaust terminations could be.

In the design of the hood itself in classroom 104. The applicant will be coming out underneath or strictly above a hood and he is less than two feet from an egress going out of the structure. In looking at the
drawing of the exterior of the facility he is coming through the egress of a window. From the plans and photos on MapQuest Mr. Phipps could not determine whether the egress were operable or fixed windows. Also, if egress windows were operable they need to clear 32.5 feet above the exhaust. Mr. Phipps stated this hood termination in question has been used and approved by the Board in the past, but his issue with this request is requesting a section of the code which takes away the terminations and Denmar, the brand which is the brand being proposed, does not show any exhaust termination requirements.

Mr. Ron Feuerbach stated that Mr. Phipps is correct in that the Board has approved this waiver in the past with the condition that exhaust termination meets the code. Mr. Feuerbach questioned if they had an objection to meeting the requirements of 506. Mr. Lane stated that they did not have an objection to meeting 506, there only objection was 505.

Motion by Mr. Feuerbach to approve the waiver provided 506 of the code is in compliance, approved by the City for its termination location and the hood is used for occupational uses only. Mr. Ramm seconded the motion.

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

MOTION CARRIED: 6-0 APPROVED

IV. Adjournment

Motion by Mr. Feuerbach at 1:27 P.M. to adjourn the meeting. Seconded by Ms. Kiel.

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

MOTION CARRIED: 6-0 APPROVED