MINUTES
BUILDING BOARD OF REVIEW
Monday, October 15, 2018 at 1:00 p.m.
Omaha/Douglas Civic Center – 1819 Farnam
Third Floor – Jesse Lowe Conference Room

Board Members:
Jack Ryan – Chairman
Ron Feuerbach – Vice Chair
Cheryl Kiel
Michael Naccarato
Kent Therkelsen
Thomas Thibodeau
Dennis Van Moorleghem

Certification of Publication: Board Secretary certifies publication in the Daily Record, the official newspaper of the City of Omaha, on Monday, October 8, 2018.

THE OWNER, OR A REPRESENTATIVE OF THE OWNER, MUST HAVE SIGNED THE APPLICATION OR BE PRESENT AT THE MEETING FOR THE CASE TO BE HEARD.

NOTE: THIS BOARD DOES NOT HAVE THE AUTHORITY TO WAIVE ANY REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT, FEDERAL FAIR HOUSING ACT, OR THE N.F.P.A. 101 LIFE SAFETY CODE; BUT DOES HAVE THE AUTHORITY TO HEAR APPEALS OF THE INTERNATIONAL FIRE CODE, NEBRASKA ACCESSIBILITY GUIDELINES AND THE NEBRASKA FAIR HOUSING ACT.

Mr. Ron Feuerbach called the meeting to order at 1:00 p.m.

I. Roll Call

Jack Ryan – Absent
Ron Feuerbach
Cheryl Kiel
Michael Naccarato
Kent Therkelsen – Absent
Thomas Thibodeau
Dennis Van Moorleghem

Others Present:
Mike Wilwerding, Acting Superintendent of Permits & Inspections Division
Anna Bespoyasny, Plans Examiner
Jennifer Taylor, City Law
Autumn Drickey, Board Secretary
Tom Phipps, Chief Mechanical Inspector
Don Gerjevic, Chief Electrical Inspector

II. Approval of Minutes: Approval of September 10, 2018 minutes.

Motion by Mr. Thomas Thibodeau to approve the minutes from the September 10, 2018 meeting.
Second by Mr. Dennis Van Moorleghem

AYES: Feuerbach, Kiel, Naccarato, Thibodeau, Van Moorleghem

Motion carried: 5-0, Approved
III. Cases

<table>
<thead>
<tr>
<th>Case</th>
<th>LOCATION:</th>
<th>REQUEST:</th>
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<tbody>
<tr>
<td>18-21</td>
<td>1018 S 74 St</td>
<td>Waiver of code section 507.1 IMC 2006</td>
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Mr. Todd Gaver appeared in regards to the request at this address.

Mr. Gaver presented a document, Exhibit 2, which showed the item that will be used to boil water. He stated that there are no grease laden vapors being produced by this business as they are just boiling water. He requested that if a hood is required that they be able to have a Type II hood to avoid the grease interceptor required with a Type I hood.

Mr. Tom Phipps stated that the appliance is being presented as an induction range. He stated that the materials in the packet show a pot and a frying pan. He demonstrated the size of the appliance and reiterated the commercial aspects. He stated that looking at the electrical, it is on a single circuit, identifying the other appliance that are on that circuit. He stated that the space also has a seating area so there would be some food service and the possibility of creating grease laden vapors. He stated that the Permits and Inspections Division does not support this request.

Mr. Van Moorleghem asked if this was similar to a previous case. Mr. Phipps confirmed. Mr. Van Moorleghem discussed the previous case. Mr. Gaver asked what the solution could be. Mr. Phipps stated that this appliance has the ability to be used for frying there’s the potential for grease laden vapors to be produced and considering there is no complete menu provided, it is difficult to allow for the waiver. Mr. Thibodeau recalled the previous case. There is discussion about the possibility of changing the appliance to use one that only boils water. Mr. Thibodeau asked what the intention was, Type II or the different appliance. Mr. Gaver stated they have not examined that, but having the option would be nice. Mr. Thibodeau recalled the recommendation and sought clarification. Mr. Phipps stated that in using a Type I or Type II they would need a sealed drawing from a mechanical engineer.

Motion by Thibodeau to approve provided that no cooking is ever done under the hood, if a hood is installed, it be a Type II hood with adequate make-up air, and a drawing from a mechanical engineer licensed in the state of Nebraska be provided; no waiver is required if a different appliance is used that is not capable of cooking and creating grease laden vapors. Second by Mr. Van Moorleghem.

AYES: Feuerbach, Kiel, Naccarato, Thibodeau, Van Moorleghem

Motion carried: 5-0, Approved
Mr. Nick Manning appeared in regards to the requests at the above addresses. Case 18-22 and Case 18-23 were heard together since they are the same request, but the same request for the same applicant.

Mr. Manning explained the property and how they are being utilized. He explained the reason for their request and the product they would be using. He stated that currently the wiring would be accomplished through wiring that is not currently allowed by the Omaha Municipal Code. He stated they are listed by an approved entity per the NEC. He explained the ADA issue that were brought up initially, however that is being met.

Mr. Feuerbach stated that Cases 18-22 and 18-23 would be heard simultaneously.

Ms. Anna Bespoyasny stated her concern was that it met the requirements of ADA, continuing that the ramping meets that. Mr. Don Gerjevic stated that there is no objection to the request as long as the ADA requirements are met and the equipment is listed through an approved NRTL approved through OSHA per NEC 110.3b and following manufacturer’s instructions.

Mr. Feuerbach stated that he would be voting to deny because of a professional conflict, but understands that five votes are required.

Motion by Thibodeau to approve for both facilities. Second by Ms. Cheryl Kiel.

AYES: Kiel, Naccarato, Thibodeau, Van Moorleghem
NAYES: Feuerbach

Motion carried: 4-1, Approved
Mr. Dean Fajen appeared in regards to the above request at the above address.

Mr. Fajen stated they are requesting a waiver to use a different incinerator at the funeral home. Mr. Thibodeau asked if this was done another time. Mr. Fajen stated it was for another addressed. Mr. Feuerbach stated that it is a similar request.

Mr. Phipps confirmed stating that the UL changed their listing, but it has not been changed in the IMC including the 2018 edition, still specifying UL 791 for hobby and residential incinerators whereas 2790 is the standard for crematories. He stated the city does not have any objection to this request. He stated that the request was initially looked at in 2012 by this Board and at the time they were requesting that this be included in the mechanical code. There is discussion about the adoption of the amendment to the code. Ms. Kiel asked about the Board’s ability to do that. Ms. Bespoyasny stated the city supports the request.

Motion by Thibodeau to allow the use of the incinerator listed under UL 2790. Second by Ms. Kiel.

AYES: Feuerbach, Kiel, Naccarato, Thibodeau, Van Moorleghem

Motion carried: 5-0, Approved

Mr. Fajen asked about the CO process. Mr. Phipps informed him about the inspections that would take place.

Motion by Thibodeau to amend section 907 of the 2006 IMC to allow for incinerators listed under UL 2790. Second by Mr. Van Moorleghem

AYES: Feuerbach, Kiel, Naccarato, Thibodeau, Van Moorleghem

Motion carried: 5-0, Approved
The Bank Apartments
Todd Heistand
514 Walker St
Woodbine, IA 51579

LOCATION: 206 S 19 St
REQUEST: Waiver of IBC 2012 704.8

Mr. Todd Heistand and Mr. Martin Kluck appeared in regards to the above request at the above address.

Mr. Kluck explained where the building was using an aerial map. He stated that the Farm Credit building has openings on the property line that will be used to connect the two buildings. He described where the trash will be once the buildings are connected. He addressed the parking issue and their proposed plan. Mr. Thibodeau asked what the Farm Credit basement is being used for now. Mr. Heistand stated that there is a 2’ difference. There is discussion about the materials used in the buildings. Ms. Kiel asked about the thickness of the floors. Mr. Kluck answered. Mr. Thibodeau clarified the request. Mr. Feuerbach asked about the building and the windows being bricked up or windows.

Ms. Bespoyasny stated they are looking to join at certain levels with a swing door to access the trash room and share that between the two buildings. She stated they’ve indicated a 3 hour rating in those doors and walls. She stated that at the lower level for the garage they are maintaining a 3 hour rating. She stated the city did not object provided the 3 hour rating was maintained and that each building has its own separate means of egress are maintained for occupancy of the building. She discussed the roof line rating.

Mr. Naccarato asked if the garage door opens and closes. Mr. Kluck answered.

Motion by Ms. Kiel to approve as requested with the following stipulations: the 3-hour fire rating will be maintained, each building continues to provide its own means of egress, and the provisions of Section 706.6.1 of the 2012 IBC are met. Second by Mr. Van Moorleghem.

Mr. Feuerbach stated that he would be voting to deny because of a professional conflict, but understands that five votes are required.

AYES: Kiel, Naccarato, Thibodeau, Van Moorleghem
NAYES: Feuerbach

Motion carried: 4-1, Approved
Mr. Todd Heistand and Mr. Martin Kluck appeared in regards to the above request at the above address.

Mr. Kluck stated that this is the Wells Fargo Bank building. He stated that Part A is the same as the previous case and Part B is different.

Ms. Bespoyasny confirmed stating Part B is different. Mr. Kluck discussed the walls and the hope to punch holes to have apartments among the elevation. Mr. Heistand stated that the goal is to get an easement and have an apartment above. Mr. Thibodeau asked if the buildings touch. Mr. Heistand stated they only touch at the first level. Ms. Bespoyasny stated that the City of Omaha does not object to the windows provided they are 1 hour rated and have deluge heads and no balconies and provisions are met. She stated the difference is based on the fact that this building is on the 2006 IBC whereas the Farm Credit building is on the 2012 IBC. Ms. Kiel asked about the different codes. Mr. Thibodeau asked about the step requirement. Ms. Bespoyasny stated because they are touching on the ground level. Mr. Thibodeau asked about how he protects against a building he doesn’t own. Ms. Bespoyasny explained. Mr. Feuerbach stated they are fully sprinkled buildings. Mr. Thibodeau confirmed that the other building owner is not responsible for anything. Ms. Bespoyasny confirmed that it would all be done on the Wells Fargo side.

Mr. Feuerbach stated that he would be voting to deny because of a professional conflict, but understands that five votes are required.

Motion by Ms. Kiel to approve part B with the following stipulations: the openings are 1-hour rated, deluge heads are provided at each opening, no balconies along the east wall, and the provisions of Section 705.6.1 of the 2006 IBC are met.

This motion was amended to include the code year. Second by Mr. Thibodeau.

AYES: Kiel, Naccarato, Thibodeau, Van Moorleghem
NAYES: Feuerbach

Motion carried: 4-1, Approved

Mr. Feuerbach stated that he would be voting to deny because of a professional conflict, but understands that five votes are required.

Motion by Ms. Kiel to approve part A with the following stipulations: the 3-hour fire rating will be maintained, each building continues to provide its own means of egress, and the provisions of Section 705.6.1 of the 2006 IBC are met. Second by Mr. Van Moorleghem.

AYES: Kiel, Naccarato, Thibodeau, Van Moorleghem
NAYES: Feuerbach

Motion carried: 4-1, Approved

IV. Discussion

2019 BBR Schedule
V. Adjournment

Motion by Mr. Van Moorleghem to adjourn. Second by Ms. Kiel.

AYES: Feuerbach, Kiel, Naccarato, Thibodeau, Van Moorleghem

Motion carried: 5-0, Adjourned at 1:42 p.m.

The Building Board of Review agenda and other information regarding the Building Board of Review and the Planning Department is available on the Internet at http://www.cityofomaha.org/planning. The agendas available on the Internet are subject to change and are for convenience purposes only. The agenda may be altered no later than 24 hours before the scheduled commencement of the meeting. A copy of the official agenda, kept continually current, shall be available for public inspection during normal business hours at the City of Omaha Planning Department, 1819 Farnam Street, Suite 1100, Omaha, Nebraska.

Prior to the hearing, the applicant may schedule a time to review the City’s case file during normal business hours by contacting Autumn Drickey, Secretary to the Building Board of Review at (402) 444-5150 ext. 2062.

If an alternative (audio version) to this agenda is necessary, please notify Autumn Drickey, Secretary to the Building Board of Review at (402) 444-5150 ext. 2062, 72 hours in advance.