Mr. Jack 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:
   Ron Feuerbach – Vice Chair
   Cheryl Kiel
   Jack Ryan – Chairman
   Michael Naccarato

   Kent Therkelsen
   Thomas Thibodeau
   Dennis Van Moorleghem

   Others Present:
   Anna Bespoyasny – Plans Examiner
   Jay Davis – Assistant Director Permit & Inspections
   Carrin Meadows – Board Secretary

   Frank Reida – Plans Examiner
   Jennifer Taylor – City Law

II. Approval of the February 12, 2018 minutes:

   Motion by Mr. Kent Therkelsen to APPROVE the minutes from February 12, 2018. Mr. Dennis Van Moorleghem seconded the motion.

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

   ABSTAIN: Ryan

   MOTION CARRIED: 6-0-1 APPROVED

III. Cases:
Mr. Jack Ryan explained to Mr. Joe Smejkal the Board cannot act upon the case since he is requesting to eliminate the requirement of accessibility to the second floor which is enforced through the Americans with Disabilities Act which is a Federal Law. Mr. Smejkal expressed that he was aware of the Federal Law.

Mr. Joe Smejkal with Porforio Construction appeared before the Board requesting a waiver on behalf of the Omaha Public Schools Foundation. Mr. Smejkal is asking for a waiver for the accessibility requirement of the second story of a concession and restroom facility at Burke High school. Mr. Smejkal stated that the building is 104 inches from ground floor to second floor. The drawings show 105 inches. According to Mr. Smejkal an exterior ramp is not practical, there is not the physical area for an elevator in the facility and Omaha Public Schools is not wanting to place an elevator due to maintenance and issues with kids.

Mr. Jay Davis explained how IBC states if the building was 3 foot 3 inches taller the code would be different and they would not need an elevator. Mr. Davis explained that the Board could approve the request, but Federal Laws would supersede the waiver. Mr. Ryan reiterated that without a waiver from the Federal government the Board’s waiver would not mean anything.

Mr. Davis explained that there are alternatives Omaha Public Schools could consider one of which is a single user lift which meets the requirement of the Federal Government.

Mr. Kent Therkelsen asked if the structure was existing. Mr. Smejkal stated that the structure is all new and has not been built yet. Mr. Therkelsen questioned whether there was a way to make the structure 3 foot 3 inches taller. Mr. Smejkal said making the structure 3 foot 3 inches taller would increase the run of the stairs. The Board members and Mr. Smejkal had a short discussion about redesigning the structure to meet current codes and laws. Then there was a discussion on how the structure is accessible once you have entered the building.

The discussion continued on how this waiver had been approved in the past, but there have been changes in City of Omaha Codes, ADA and Federal Law. Mr. Davis suggested that the Board grant a 30-day layover to allow time to research the previous waivers. Ms. Jennifer Taylor continued with a recap on how even if the waiver has been granted in the past, there have been changes to the laws since. The Board could not mirror what has happened in the past.

Motion by Mr. Ron Feuerbach to APPROVE a 30-day LAYOVER. Mr. Kent Therkelsen seconded the motion.

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

MOTION CARRIED: 6-0-1 APPROVED
Mr. Mick McGuire with Straightline Design appeared in front of the Board requesting a waiver to approve windows within the south elevation of the addition of a residential structure located at 959 S 119 Court. Mr. McGuire presented additional photos (Exhibits 2, 3 and 4) which show the property in question and the green space which borders the property. Mr. McGuire also presented the Board with a letter (Exhibit 5) signed by the neighbors stating that they are in agreement and have no concern with the home owner, Ms. Helen Plunkett installing the windows. The letter also stated that the neighbors have no concern that the windows will pose a fire hazard. Ms. Kathy Knowlton, who is Ms. Plunkett’s daughter read the letter to the Board. Ms. Knowlton stated that it is very unlikely that a home would be built on the common greenspace. Mr. McGuire stated that this area in question is a greenspace and the probability for construction to be done on this area is pretty unlikely, but if, for some reason someone does decide to build on this area there are many options for the space and to even create a buffer area between the spaces. Ms. Knowlton stated that this community is well established and the residents have been living in their houses for about 40 years.

Mr. Jay Davis asked whether the common area was deeded to the Homeowner’s association. Mr. McGuire stated that the area is deeded and the homeowners pay monthly dues. Mr. McGuire stated that there would need to be a vote by the Homeowners in order to do any sort of construction on the area. Mr. Davis also stated that if future construction is done on the property that the codes that are in place would be followed versus today’s codes.

Ms. Knowlton stated that the community is in a horseshoe and the green space in the middle of the houses. Mr. McGuire said that beyond the greenspace is a swimming pool and a parking area for the pool.

Motion by Mr. Ron Feuerbach to APPROVE the waiver without the future requirement at this time with the understanding that future codes maybe different. Ms. Cheryl Kiel seconded the motion.

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

ABSTAIN: Therkelsen

MOTION CARRIED: 6-0-1 APPROVED

IV. Adjournment:

Motion by Mr. Ron Feuerbach at 1:30 to adjourn. Mr. Kent Therkelsen seconded the motion.

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

MOTION CARRIED: 7-0 APPROVED